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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARUSO GLYNN, LLC

Plaintiff,

-Against-

SAI TRUST and ROBERT MEMBRENO,
Individually and as Trustee for SAI
TRUST,

Defendants.

Civil Action No.: 7:11-cv-4360 (VB)
ECF CASE

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT the Defendants, SAI TRUST and ROBERT MEMBRENO, Individually and as Trustee for SAI TRUST, hereby move this Honorable Court to dismiss this action under F.R.C.P. 4(m) and F.R.C.P. 12(b)(5) for failure to properly serve the summons and complaint upon the defendants, to stay and/or dismiss this action pursuant to Section 3 of the United States Arbitration Act and/or Section 7503 of the New York Civil Practice Law & Rules pursuant to a valid arbitration agreement in writing, and/or to dismiss the First, Second, Fourth and Fifth Causes of Action in the Complaint pursuant to F.R.C.P. 12(b)(6) for failure to state a cause of action. In support of this motion, the Defendants reply upon the plaintiff's Complaint, the accompanying Declaration of John J. Sullivan, Esq., and the Exhibits attached thereto, the

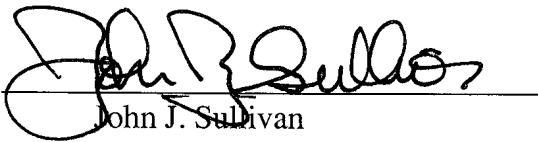
accompanying Declaration of Robert Membreño and the Exhibits attached thereto, the accompanying Declaration of Marc Membreño, and the accompanying Memorandum of Law.

Respectfully submitted,

Dated: New York, New York
December 23, 2011

HILL RIVKINS LLP
Attorneys for Defendants

By:



John J. Sullivan

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